

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

Steven Wooten,

Plaintiff,

vs.

No.: 3:22-cv-174

**Bryan Tejada, A & M Transportation
Services Group, Inc. and FedEx
Corporation,**

JURY DEMAND (12)

Defendants.

PETITION AND NOTICE OF REMOVAL TO FEDERAL COURT

TO: The United States District Court
Eastern District of Tennessee
800 Market Street, Suite 130
Knoxville, Tennessee 37902

PLEASE TAKE NOTICE that FedEx Ground Package System, Inc., incorrectly sued as FedEx Corporation,¹ hereby removes this action, pursuant to 28 U.S.C. § 1441, from the Circuit Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee, and respectfully states to this Court as follows:

1. On or about April 12, 2022, Steve Wooten commenced a civil action against the Defendant by filing a Complaint in the Circuit Court for Knox County, Tennessee.

2. The Plaintiff secured service of the Complaint on the defendant on April 21, 2022. The Plaintiff's Complaint seeks damages totaling \$100,000.00. Copies of the

¹ The Plaintiff has agreed to substitute FedEx Ground Package System, Inc. into this case, in place of FedEx Corporation and an appropriate Joint Motion and Proposed Order of Substitution will be filed shortly.

Complaint and all other pleadings filed to date in the Knox County Circuit Court are attached hereto and incorporated by reference herein as *Exhibit A*.

3. For the reasons stated below, this Court has jurisdiction over the state court action pursuant to 28 U.S.C. § 1332, because it is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interest, and it is between citizens of different states.

I. This Defendant has satisfied the procedural requirements for removal.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), because it is filed “within thirty days after receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b) (2022).

5. The United States District for the Eastern District of Tennessee includes the county in which the state court action is now pending. Therefore, this Court is a proper venue for this action pursuant to 28 U.S.C. § 123(a)(3) and § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(d), the Defendant has filed written notice of this removal with the Clerk of the State Court in which the action is currently pending. Copies of the Notice of Filing, together with this Notice of Removal, are being served upon Plaintiff’s counsel pursuant to 28 U.S.C. § 1446(d).

II. Removal is proper in the present case.

7. The Complaint seeks damages totaling \$100,000.00 and therefore the amount in controversy of said action exceeds the sum or value of \$75,000.00. See *Exhibit A*.

8. There is complete diversity between the Plaintiffs and the Defendant. In the Complaint, the Plaintiff admits that he is a citizen and resident of the state of Tennessee. Further, he acknowledges that this Defendant is a foreign corporation properly conducting business in the State of Tennessee and that the other Defendants are citizens and residents of the State of Florida. (*See generally*, Compl., p.1). Thus, complete diversity exists among the parties in this case.

WHEREFORE, this Defendant respectfully removes this action from the Knox County Circuit Court in Knoxville, Tennessee, bearing docket number 2-102-22 to this Court.

This the 18th day of May, 2022.

Respectfully submitted,

MCANGUS GOUDELOCK & COURIE, LLC

/s/ Joshua A. Wolfe

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ATTORNEY FOR FEDEX GROUND
PACKAGE SYSTEM, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 18th day of May, 2022.

/s/ Joshua A. Wolfe

JOSHUA A. WOLFE